



Cape Verde

Country Reports on Human Rights Practices - [2001](#)

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Cape Verde is a multiparty parliamentary democracy in which constitutional powers are shared among the elected Head of State, President Pedro Verona Rodrigues Pires, former president of the African Party for the Independence of Cape Verde (PAICV); the head of government, Prime Minister Jose Maria Neves; and Neves' party, the PAICV. In January Pires was elected by a slim margin of 13 votes over the country's former prime minister and Movement for Democracy (MPD) president, Carlos Veiga, in what were judged to be free and fair elections by the National Electoral Commission and international media. The judiciary generally is independent.

The Government controls the police, which has primary responsibility for maintenance of law and order. Some members of the police and prison guards committed human rights abuses.

The country has a market-based economy but little industry and few exploitable natural resources. Based on 1998 data, per capita income was \$1,312 (162,105 Cape Verdean escudos). The country has a long history of economically driven emigration, primarily to Western Europe and the United States, and remittances from citizens abroad remained an important source of income. Even in years of optimum rainfall, the country can produce food for only 25 percent of the population of approximately 480,000 persons, which resulted in heavy reliance on international food aid.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. Despite government efforts to control beatings by police officers, there continued to be credible reports of police abuse. Prison conditions are poor. The judicial system is overburdened, lengthy delays in trials are common. There were some limitations on press freedom, and there continued to be allegations of media self-censorship. Violence and discrimination against women and mistreatment of children continued to be serious problems. Although the Government supported legislation to ameliorate these problems, it failed to adopt, implement, and enforce policies designed to address the most critical challenges. There were reports of trafficking in persons.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, despite government efforts to control beatings by police, there were credible reports that police continued to beat persons in custody and in detention. While

mechanisms for investigating citizen complaints of police brutality exist in theory, in practice these mechanisms neither ensure the punishment of those responsible nor prevent future violations. In addition in some instances of violence against women, the police did not protect the victims effectively (see Section 5). There were reports that immigration authorities harassed Nigerian citizens (see Section 2.d.). Following its January election, the Government began investigating allegations of human rights abuses by police; however, no subsequent action was taken.

No action was taken against police officers responsible for beating a detainee on Sal Island in 2000.

Prison conditions are poor, and they are severely overcrowded. The former President's July 2000 amnesty did not reduce the overcrowding. Sanitation and medical assistance is poor; a doctor and a nurse were available and prisoners were taken to the public hospitals for serious problems. Psychological problems were common. Although women and men are held separately, juveniles are not held separately from adults, and pretrial detainees are not held separately from convicted prisoners.

According to a 2000 study by the Ze Moniz Association (AZM), there were reports that guards abused female prisoners (see Section 4); however, during the year, there were no reports that guards abused female prisoners.

The Government permits both formal visits by human rights monitors to prisons and routine visits to individual prisoners. There were no such visits during the year.

d. Arbitrary Arrest, Detention, or Exile

The law prohibits arbitrary arrest and detention, and the Government generally observes these prohibitions. The law stipulates that a suspect must be charged before a judge within 48 hours of arrest. Police may not make arrests without a court order unless a person is caught in the act of committing a felony. The courts have jurisdiction over state security cases, and there is a functioning system of bail.

The Government does not use forced exile.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respects this provision in practice. The Constitution provides for the right to a fair trial and due process, and an independent judiciary usually enforces this right. Unlike in the previous year, there were no reports of politicization and biased judgement in the judiciary. Cases involving former public office holders still are under investigation. For example, the investigations continued in the case of the former prime minister accused of embezzlement in the privatization of ENACOL (a parastatal oil supply firm) in which he allegedly embezzled approximately \$16,250 (2 million Cape Verdean escudos) from the buyers of the parastatal. The case of four persons accused of church desecration in 1996 also was under investigation (see Section 5). These individuals filed a complaint with the Attorney General against the judiciary police for alleged fabrication of evidence.

The judicial system is composed of the Supreme Court and the regional courts. Of the five Supreme Court judges, one is appointed by the President, one by the National Assembly, and three by the Superior Judiciary Council. This council consists of the President of the Supreme Court, the Attorney General, eight private citizens, two judges, two prosecutors, the senior legal inspector of the Attorney General's office, and a representative of the Ministry of Justice. Judges are independent and may not belong to a political party. In October 2000, a female judge who was known for taking strict legal measures in cases of domestic violence was transferred from the capital to the countryside.

The Constitution provides for the right to a fair trial. Defendants are presumed to be innocent; they have the right to a public, nonjury trial; to counsel; to present witnesses; and to appeal verdicts. Free counsel is provided for the indigent. Regional courts adjudicate minor disputes on the local level in rural areas. The Ministry of Justice does not have judicial powers; such powers lie with the courts. Defendants may appeal regional court decisions to the Supreme Court.

The judiciary generally provides due process rights; however, the right to an expeditious trial is constrained by a seriously overburdened and understaffed judicial system. A backlog of cases routinely leads to trial delays of 6 months or more; more than 10,780 cases were pending at year's end. In addition the right of victims to compensation and recovery for pain and mental suffering are overlooked, due both to the low damage assessments imposed and ineffective enforcement of court sentences.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respects these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respects these rights in practice. Unlike in the previous year, there were no reports of restrictions on freedom of the press. There is a substantial and growing independent press; however, there continued to be criticism by many prominent government and opposition figures of state-controlled television for its failure to exercise properly its role of informing the public regarding political and economic issues. Unlike in previous years, there were no reports in which persons in the media (and other sectors) whose views did not coincide with those of the Government and ruling party were transferred, fired, or subjected to other disciplinary actions. There continued to be reports of media self-censorship.

The constitutional provision of freedom of expression was amended in 1999 to exclude using this freedom as a defense in cases involving defamation or offense to personal honor. This wording was criticized strongly by then-opposition PAICV politicians and some journalists as potentially limiting the freedom of expression; however, by year's end, the new PAICV Government did not seek to change the provision.

There are three independent newspapers and one state-owned newspaper. There are six independent radio stations and one state-owned radio station. One television station is state owned, and two others are foreign owned. Foreign broadcasts are permitted. Journalists are independent of government control and are not required to reveal their sources; however, there were credible reports that journalists within the government-controlled media still practiced self-censorship.

Government authorization is not needed to publish newspapers or other printed material. Despite the broadly interpreted criminal libel laws, no independent media outlets reported direct pressure in their daily operations or business activities. The national radio station provided live broadcasts of National Assembly sessions.

The law requires a formal licensing mechanism for mass media, including government authorization to broadcast; however, there were no reports that licenses were denied or revoked or that the Government refused to authorize broadcasts during the year.

The Government does not restrict Internet access. There was a single, private sector Internet service provider. There were technical limitations on Internet use related to bandwidth and the unavailability or inefficiency of electricity and telephone service in some parts of the country.

The Constitution provides for academic freedom, and the Government does not restrict this right in practice.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respects these rights in practice. Throughout the year, labor organizations, opposition political parties, civic action groups, and numerous others exercised their right to assemble without government interference or objection. Unlike in the previous year, there were no reports of violent demonstrations or police use of force to disperse protestors.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respects this right in practice.

It generally is recognized that the Catholic majority enjoys a privileged status in national life. For example, the Government provides the Catholic Church with free television broadcast time for religious services and observes its holy days as official holidays.

To be recognized as legal entities by the Government, religious groups (as well as other organized groups of citizens) must register with the Ministry of Justice; however, failure to do so does not result in any restriction on religious belief or practice.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution and the law provide for these rights, and the Government generally respects them in practice.

The Constitution and the law provide for the granting of asylum and refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees and its 1967 Protocol. According to the U.N. High Commissioner for Refugees (UNHCR), credible media reports, and government officials, Nigerian citizens were subjected to harassment and prejudice by immigration authorities in the previous year. The Government has not reviewed charges of misconduct by immigration officials. Nigerians alleged that they have been subjected to discriminatory treatment by government officials; however, some Nigerians were illegally in the country or convicted of crimes. Other observers reported no evidence of a government policy of discrimination against Nigerians. Three or four Basque separatists have been provided first asylum status. The Government cooperates with the UNHCR and other humanitarian organizations in assisting refugees.

There were no reports of the forced return of persons to a country where they feared persecution.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercise this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. In January Pedro Verona Rodrigues Pires, former president of the PAICV, was elected by a slim margin of 13 votes over the country's former Prime Minister and MPD president, Carlos Veiga. The principal opposition party, the MPD, held power from January 1991 until January, after defeating the PAICV, which held power in a one-party state from independence in 1975 until 1991. The PAICV won the legislative elections in January 2000 and has an absolute majority in the National Assembly. The National Electoral Commission and the international media judged the January presidential elections, as well as legislative and municipal elections in 2000, to be free and fair.

The Constitution provides for the separation of powers. Constitutional powers are shared among President Pires, Prime Minister Jose Maria Neves, and the PAICV party. Cabinet ministers are not required to be members of the National Assembly, but they are individually subject to confirmation by the President. Collectively they must retain the support of a parliamentary majority. The President may dismiss the Government with the approval of the political parties represented in the National Assembly and the Council of the Republic. This council consists of the President of the National Assembly, the Prime Minister, the President of the Constitutional Court, the Attorney General, the Ombudsman, the President of the Economic and Social Council, the former presidents, and five private citizens appointed by the President. The MPD and the Democratic Renovation Party are the main opposition parties.

The percentages of women and minorities in government and politics do not correspond to their percentages of the population; however, there are no restrictions in law or practice regarding the rights of women or members of minorities to vote or to participate in the political process. Women are 11 percent of the deputies elected to the 72-member National Assembly. There are two female cabinet ministers and three female secretaries of state (junior ministers) in the cabinet, which consists of nine ministers and five secretaries of state.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic human rights groups generally operate without government restriction, investigating and publishing their findings on human rights cases. Government officials are generally cooperative and responsive to their views.

There are three private human rights groups, the National Commission of the Rights of Man, the Ze Moniz Association, and the Alcides Barros Association. During 1999 a foreign government financed a professional study of prison conditions by the Ze Moniz Association, which was released to the Government and the public in 2000 (see Section 1.c.). The Government cooperated with the researchers who prepared the report and, upon its publication, expressed interest in using the report to help formulate new laws and regulations; however, no action was taken by year's end.

The post of an independent Ombudsman, to be elected by the National Assembly, was created by the 1999 revision of the Constitution. The Ombudsman's powers remained undefined at year's end, and no Ombudsman was elected by year's end.

Section 5 Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

The Constitution prohibits discrimination based on race, sex, religion, disability, language, or social status. However, despite the Government's increasing efforts to enforce all relevant constitutional provisions, it still does not do so effectively, and not all elements of society, particularly women and children, enjoy full protection against discrimination.

Women

Domestic violence against women, including wife beating, remains common. The Government and civil society encourage women to report criminal offenses such as rape and spousal abuse to the police; however, longstanding social and cultural values inhibit victims from doing so, and according to the media, such reports remain rare. Nevertheless reporting of such crimes to police continued to increase during the year, and the media continued to report their occurrence. Violence against women has been the subject of extensive public service media coverage in both government- and opposition-controlled media.

While mechanisms to deal with spousal abuse exist in theory, in practice these mechanisms neither ensure the punishment of all those responsible nor effectively prevent future violence. Women's organizations continued to seek legislation to establish a special family court to address crimes of domestic violence and abuse; however, they made no progress in achieving such legislation. In 1998 the Parliament revised the Penal Code, widening the definition of sexual abuse and strengthening penalties against abusers. The law protects certain rights of the victims; however, does not ensure the right of compensation.

Despite constitutional prohibitions against sex discrimination and provisions for full equality, including equal pay for equal work, discrimination against women continued. Although they often are paid less than men for comparable work, women are making modest inroads in various professions, especially in the private sector. However, some employers continued to prefer to hire men.

The Constitution prohibits discrimination against women in inheritance, family, and custody matters; however, largely because of illiteracy, most women are unaware of their rights. Women often are reluctant to seek redress of domestic disputes in the courts. The Organization of Cape Verdean Women alleged that there is disparate treatment in inheritance matters, despite laws that call for equal rights. For example, some women are pressured to sign judicial agreements detrimental to their statutory inheritance rights.

In July 2000, a group of female attorneys formed the Women Jurists Association, an association whose purpose is to provide free legal assistance to women throughout the country suffering from social abuse (both violence and discrimination) and spousal abuse.

Children

In 2000 the Government updated its studies of social policy priorities and legal rights for children and adolescents and restructured the Cape Verdean Institute for Children in accordance with norms in the Convention on the Rights of the Child. The Government provides free, mandatory education for 6 years of primary school for all children. Normally this benefit covers children from age 6 to age 12. Education is compulsory until age 16; however, secondary education is free only for children whose families have an annual income below approximately \$1,700 (160,000 Cape Verdean escudos). According to 1998 UNICEF statistics, primary school attendance is approximately 97 percent. Attendance rates by boys and girls differ by less than 1 percent. The Government also seeks to reduce infant mortality and disease, combat drug and alcohol abuse, and discourage teenage pregnancy; however, progress continued to be slow.

In September the Education Minister announced that pregnant students would be suspended from classes during pregnancy or nursing; however, no such action occurred by year's end. The decision, which was intended to protect mother and child and to discourage early pregnancy, was very controversial. The measure seeks to enable such students to resume their studies at later date because students who drop out because of pregnancy or nursing usually remain out too long to be readmitted into the age group that the law permits to receive free education. Some observers see this measure as discriminatory, and therefore a violation of the Constitution.

Child abuse and mistreatment, sexual violence against children, and juvenile prostitution are problems,

exacerbated by chronic poverty, large unplanned families, and traditionally high levels of emigration of adult men. The media reported cases of sexual abuse against children and adolescents. The inefficiencies of the judicial system made it difficult for government institutions to address the problem.

Persons with Disabilities

There is no discrimination against persons with disabilities in employment and education; however, although the Constitution mandates "special protection" for the aged and persons with disabilities, the Government does not require access to public buildings or services for persons with disabilities. There are no official schools or trained teachers for persons with disabilities, which disadvantages children with disabilities; however, several NGO's, including an association for the blind, are active.

Religious Minorities

More than 20 cases involving the desecration of Catholic churches have been reported to the police over the years. While some cases date from 1975, after 1990 the rate of incidence increased; however, in contrast to previous years, there were no incidents during the year. The persons responsible for the desecrations never were identified, and the topic has remained a controversial electoral issue since the MPD accused supporters of the PAICV of involvement in the crimes; however, the courts have dismissed every formal accusation that has been brought against PAICV members, usually for lack of evidence. In 1999 the Attorney General rejected a local prosecutor's dismissal of the case against the four individuals of the "Sao Domingos Group," who were accused of desecrating a Catholic church in 1996 (see Section 1.e.). In November the trial of the four began; however, a decision still was pending at year's end.

Section 6 Worker Rights

a. The Right of Association

The Constitution provides that workers are legally free to form and join unions without government authorization or restriction. There are two umbrella union associations: The Council of Free Labor Unions, composed of 11 unions with approximately 14,000 members; and the National Union of Cape Verde Workers, formed by the former ruling party but operating independently, composed of 14 unions with approximately 16,000 members. The Government does not interfere with the activities of these organizations, but the National Union of Cape Verde Workers claims that it received less than its share of funds for unions. Both unions suffer from a shortage of funds. There are no prohibitions against forming or joining unions.

The Constitution provides union members with the right to strike, and the Government generally respects this right. However, in July and August 1999, the workers of the shipping company Arca Verde made two attempts to strike. The Government invoked a civil request, under which it has the power, in an emergency or if a strike threatens coverage of basic needs, to name a list of minimum services that a union must continue to provide during any strike. Because of the Government's "civil request," the crew and workers of four of the five ships in the fleet were required to continue working. According to the National Union of Cape Verde Workers, the Government's decision violated the law, since there was no emergency. The union claimed that, under such circumstances, the "minimum services list" that it presented to the Government would have ensured the continuation of essential services of public interest. The union presented the case to the International Confederation of Free Trade Unions, which in 1999 filed a complaint against the Government with the International Labor Organization (ILO). The complaint remained unresolved at year's end.

In its 2000 report, the ILO Committee on Freedom of Association (CFA) noted that the Government amended legislation in 1999 so that organizations of workers may enjoy the right to peaceful demonstration without unreasonable restrictions, in particular with regard to time. The CFA also reported that the Government began to take measures to amend its legislation so that in the event of disagreement between the parties on the minimum services to be provided during strikes, this difference of opinion is resolved by an independent body. However, at year's end, the Government had not created an independent body to resolve such differences.

The law provides that if an employer fires a worker without a "just cause" as defined by the law, such as for union activity, the employer must either reinstate the worker or provide financial compensation to the worker.

There was one legal strike and no illegal strikes during the year. In September a group of private guards went on a 1-day strike, following their employer's threat that they would be fired because of the Government's failure to pay the company for services provided. The strikers invaded the Ministry of Finance's Treasury Department and only left after the payment issue was settled. No action was taken against the strikers. Unlike in the previous year, the Government did not requisition workers to end a strike.

Unions are free to affiliate internationally and have ties with African and international trade union organizations.

b. The Right to Organize and Bargain Collectively

The Constitution provides for the right to organize, to operate without hindrance, and to sign collective work contracts; however, there has been very little collective bargaining. There are no signed collective bargaining agreements.

Workers and management in the small private sector, as well as in the public sector, normally reach agreement through negotiations. Although there are no collective labor contracts, workers succeeded in negotiating important issues such as salary increases. However, as the country's largest employer, the Government continued to play the dominant role in setting wages. It does not fix wages for the private sector, but salary levels for civil servants provide the basis for wage negotiations in the private sector.

The law bans antiunion discrimination by employers with fines for offenders. No cases were brought to court during the year.

Praia has a 30-acre export processing zone (EPZ), which houses two Portuguese companies and a Cape Verdean-Sengalese joint venture. There are no special laws or exemptions from regular labor laws for EPZ's.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, and there were no reports that such practices occurred.

The Government prohibits forced and bonded labor by children, and there were no reports that such practices occur.

d. Status of Child Labor Practices and Minimum Age for Employment

The legal minimum age for employment is 14 years. The law prohibits children under the age of 16 from working at night, more than 7 hours per day, or in establishments where toxic products are produced; however, the Government rarely enforces the law, and child labor occurs. In practice the Ministry of Justice and Labor enforces minimum age laws with limited success, and then only in the urban, formal sectors of the economy.

The Government prohibits forced and bonded labor by children, and there were no reports that such practices occur.

e. Acceptable Conditions of Work

There are no established minimum wage rates in the private sector. Large urban private employers link their minimum wages to those paid to civil servants. For an entry-level worker, this wage is approximately \$120 (11,193 Cape Verdean escudos) per month. The majority of jobs pay wages insufficient to provide a worker and family with a decent standard of living; most workers also rely on second jobs, extended family help, and subsistence agriculture.

The maximum legal workweek for adults is 44 hours. While large employers generally respect these regulations, many domestic servants and agricultural laborers work longer hours.

The Director General of Labor conducts periodic inspections to enforce proper labor practices and imposes fines on private enterprises that are not in conformity with the law. However, the Government does not enforce labor laws systematically, and much of the labor force does not enjoy their protection. Few industries employ heavy or dangerous equipment, and work-related accidents are rare.

There is no legal provision for workers to remove themselves from unsafe working conditions without jeopardizing their continued employment.

f. Trafficking in Persons

The law does not prohibit trafficking in persons, and illegal trafficking in economic emigrants to various points in Europe is believed to be a thriving business. Visa and related fraud are involved in the trafficking of

economic emigrants who are smuggled into Europe; however, there are no reports that these persons are trafficked into forced labor or debt bondage. The country is a transit point for traffickers, and trafficking has become a concern for local authorities. Several press reports noted that the police have arrested some persons, traffickers as well as victims. In 2000 such cases involved fewer than 30 persons. The Government was cooperating with European authorities, neighboring governments, and foreign embassies to deal with the problem.